

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**STATE ORIGIN**  
**AIR QUALITY PERMIT**

**Permittee Name:** Nestle USA – Prepared Foods Division, Inc.  
**Mailing Address:** 150 Oak Grove Drive, Mount Sterling, Kentucky 40353

**Source Name:** Nestle USA – Prepared Foods Division, Inc.  
**Mailing Address:** Same As Above  
**Source Location:** 150 Oak Grove Drive, Mount Sterling, Kentucky 40353

**KYEIS ID #:** 021-173-00029  
**SIC Code:** 2038

**Region:** Huntington - Ashland  
**County:** Montgomery

**Permit Number:** S-00-150 (Revision 1)  
**Log Number:** 53097 (Original), 54977 (Revision 1)  
**Permit Type:** Operating

**Issuance Date:** January 12, 2001  
**Revision Date:** October 9, 2002  
**Expiration Date:** January 12, 2005

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**John S. Lyons, Director**  
**Division for Air Quality**

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application, which was determined to be complete on September 26, 2002, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Unit: 01 (9301) NATURAL GAS FIRED INDIRECT HEAT EXCHANGER**

**Description:**

Primary Fuel:	Natural Gas
Maximum Continuous Rating:	10.5 mmBTU/hr
Construction Commenced:	1993

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New Indirect Heat Exchangers is applicable to an emission unit with a capacity less than 250 mmBTU/hr and commenced on or after April 9,1972.

Regulation 401 KAR 60:005, incorporated by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 mmBTU/hr but greater than or equal to 10 mmBTU/hr commenced after June 9,1989.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:015 Section 4(1), particulate emissions shall not exceed 0.37 lb/mmBTU, based on a three hour average.
- b. Pursuant to Regulation 401 KAR 59:015, visible emissions shall not exceed 20 percent opacity.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emissions shall not exceed 1.47 lb/mmBTU, based on a twenty-four-hour average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

**4. Monitoring Requirements:**

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

**5. Recordkeeping Requirements:**

The permittee shall record and maintain records of the amount of fuel combusted during each day, in accordance with Regulation 40 CFR 60, Subpart Dc.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 02 (9302) NATURAL GAS FIRED INDIRECT HEAT EXCHANGER**

**Description:**

Primary Fuel:	Natural Gas
Maximum Continuous Rating	10.5 mmBTU/hr
Construction Commenced:	1993

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New Indirect Heat Exchangers is applicable to an emission unit with a capacity less than 250 mmBTU/hr and commenced on or after April 9,1972.

Regulation 401 KAR 60:005, incorporated by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 mmBTU/hr but greater than or equal to 10 mmBTU/hr commenced after June 9,1989.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:015 Section 4(1), particulate emissions shall not exceed 0.37 lb/mmBTU, based on a three hour average.
- b. Pursuant to Regulation 401 KAR 59:015, visible emissions shall not exceed 20 percent opacity.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emissions shall not exceed 1.47 lb/mmBTU, based on a twenty-four-hour average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

**4. Monitoring Requirements:**

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

**5. Recordkeeping Requirements:**

The permittee shall record and maintain records of the amount of fuel combusted during each day, in accordance with Regulation 40 CFR 60, Subpart Dc.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 03 (9303) NATURAL GAS FIRED OVEN Process Baking – Snack Food**

**Description:**

Primary Fuel:	Natural Gas
Oven Rated Capacity	12 mmBTU/hr
Process Rate	16,000 lb/hr
Construction Commenced:	1993

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 50:035, Permits

**1. Operating Limitations:**

Refer to Section D

**2. Emission Limitations:**

Refer to Section D

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

The permittee shall monitor amounts of all dough produced. The permittee shall calculate and record the monthly VOC emissions. The VOC emissions from the operation of the oven shall be determined bases on emission factors derived from the equation given in “Alternate Control Technology Document for Bakery Oven Emissions – Appendix E, Rule 1153 LA SCAQMD” (EPA 453/R-92-017, December 1992).

For  $Y_t = < 1.0$ , use

$$\text{Emissions} = (\text{Dough Tons}) \times ((0.8488 \times (\% \text{Yeast}) \times (\text{Hrs Ferment})) \times (\text{Hours/Day})).$$

Where,

Emissions are in LBS./DAY VOC

% Yeast = Initial baker’s percent of yeast to the nearest tenth of a percent

Hrs Ferment = Total yeast action time in hours to the nearest tenth of an hour

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

The permittee shall keep monthly records of dough produced. Total actual emissions for VOC's shall be calculated each month (tons per month) based upon the amount of dough produced at the facility during the month. The permittee shall also keep records of twelve (12) months rolling total for VOC emissions. These records shall be made available for inspection upon request by any duly authorized representative of the Division of Air Quality.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit:** 04 (9304 & 200001) FLOUR DUSTING AND REMOVAL SYSTEMS `

**Description:**

N/A

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, source associated with a process operation with respect to particulates.

**1. Operating Limitations:**

Maximum rate of flour use shall not exceed 880 lbs/hr per system.

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010 particulate emissions shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010 visible emissions shall not exceed 20 percent opacity.
- c. The efficiency of the vacuum and baghouse equipment shall be maintained at 99%.

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

None

**5. Recordkeeping Requirements:**

- a. Records documenting the results of each opacity reading by EPA Reference Method 9 shall be maintained.
- b. The permittee shall record the processing rates and hours of operation on a daily basis.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**7. Control Equipment Operating Conditions:**

The baghouse and vacuum system equipment shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with good engineering practice.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 05 (9305, 9306, 9307, & 9804) FOUR FLOUR STORAGE SILOS**

**Description:**

Equipment:	Four Flour Storage Silos
Operating input:	25 tons/hr.
Construction:	1993 & 1998

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New source operations, for units commenced on or after July 2, 1975.

**1. Operating Limitations:**

Maximum loading rate shall not exceed 25 tons lbs/hr per silo.

**2. Emission Limitations:**

a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), particulate emissions into the open air shall not exceed  $(3.59 P^{0.62})$  pounds per hour based on a three hour average where P is the processing rate in tons per hour. (The permittee may assure compliance with the particulate mass emissions allowable by calculating emissions using the formula: particulate emissions in pounds per hour = processing rate in tons/hour x emission factor of 0.87 pounds/ton.)

b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), any continuous emissions into the open air shall not exceed twenty (20) percent opacity based on a 6 minute average.

c. The efficiency of the vacuum and baghouse equipment shall be maintained at 99%.

**3. Testing Requirements:**

The permittee shall determine opacity of emissions by EPA Reference Method 9 annually, or more frequently if requested by the Division.

**4. Monitoring Requirements:**

a. The permittee shall perform a qualitative visual observation of the opacity of emissions from the silos on a monthly basis and maintain a log of the observations. If visible emissions from any silo are perceived or believed to exceed the applicable standard, the permittee shall determine the opacity of emissions by Reference Method 9 and instigate an inspection of the control equipment, making any necessary repairs.

b. The permittee shall monitor the processing rates and hours of operation on a daily basis.



**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

- a. Records documenting the results of each opacity reading by EPA Reference Method 9 shall be maintained.
- b. The permittee shall record the processing rates and hours of operation on a daily basis.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**7. Control Equipment Operating Conditions:**

The baghouse and vacuum system equipment shall be operated as necessary to maintain compliance with permitted emission limitations, in accordance with good engineering practice.

## SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit: **06 (9501) NATURAL GAS FIRED OVEN Process Baking - Snack Food**

### Description:

Primary Fuel:	Natural Gas
Oven Rated Capacity	12 mmBTU/hr
Process Rate	16,000 lb/hr
Construction Commenced:	1993

### APPLICABLE REGULATIONS:

Regulation 401 KAR 50:035, Permits (Minor Source)

1. **Operating Limitations:**

Refer to Section D

2. **Emission Limitations:**

Refer to Section D

3. **Testing Requirements:**

None

4. **Monitoring Requirements:**

The permittee shall monitor amounts of all dough produced. The permittee shall calculate and record the monthly VOC emissions. The VOC emissions from the operation of the oven shall be determined bases on emission factors derived from the equation given in “Alternate Control Technology Document for Bakery Oven Emissions – Appendix E, Rule 1153 LA SCAQMD” (EPA 453/R-92-017, December 1992).

For  $Y_t = < 1.0$ , use

Emissions = (Dough Tons) X ((0.8488 x (% Yeast) x (Hrs Ferment)) X (Hours/Day)).

Where,

Emissions are in LBS./DAY VOC

% Yeast = Initial baker’s percent of yeast to the nearest tenth of a percent

Hrs Ferment = Total yeast action time in hours to the nearest tenth of an hour

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

The permittee shall keep monthly records of dough produced. Total actual emissions for VOC's shall be calculated each month (tons per month) based upon the amount of dough produced at the facility during the month. The permittee shall also keep records of twelve (12) months rolling total for VOC emissions. These records shall be made available for inspection upon request by any duly authorized representative of the Division of Air Quality

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 07 (9502) NATURAL GAS FIRED INDIRECT HEAT EXCHANGER**

**Description:**

Primary Fuel:	Natural Gas
Maximum Continuous Rating	18 mmBTU/hr
Construction Commenced:	1993

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New Indirect Heat Exchangers is applicable to an emission unit with a capacity less than 250 mmBTU/hr and commenced on or after April 9,1972.

Regulation 401 KAR 60:005, incorporated by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 mmBTU/hr but greater than or equal to 10 mmBTU/hr commenced after June 9,1989.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:015Section 4(1), particulate emissions shall not exceed 0.37 lb/mmBTU, based on a three hour average.
- b. Pursuant to Regulation 401 KAR 59:015, visible emissions shall not exceed 20 percent opacity.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emission shall not exceed 1.47 lb/mmBTU, based on a twenty-four-hour average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

**4. Monitoring Requirements:**

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

**5. Recordkeeping Requirements:**

The permittee shall record and maintain records of the amount of fuel combusted during each day, in accordance with Regulation 40 CFR 60, Subpart Dc.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 08 (9503) NATURAL GAS FIRED INDIRECT HEAT EXCHANGER**

**Description:**

Primary Fuel:	Natural Gas
Maximum Continuous Rating	18 mmBTU/hr
Construction Commenced:	1993

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New Indirect Heat Exchangers is applicable to an emission unit with a capacity less than 250 mmBTU/hr and commenced on or after April 9,1972.

Regulation 401 KAR 60:005, incorporated by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 mmBTU/hr but greater than or equal to 10 mmBTU/hr commenced after June 9,1989.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:015 Section 4(1), particulate emissions shall not exceed 0.37 lb/mmBTU, based on a three hour average.
- b. Pursuant to Regulation 401 KAR 59:015, visible emissions shall not exceed 20 percent opacity.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emission shall not exceed 1.47 lb/mmBTU, based on a twenty-four-hour average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

**4. Monitoring Requirements:**

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

**5. Recordkeeping Requirements:**

The permittee shall record and maintain records of the amount of fuel combusted during each day, in accordance with Regulation 40 CFR 60, Subpart Dc.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit:**    **09 (9601) NATURAL GAS FIRED OVEN**    **Process Baking – Snack Food**

**Description:**

Primary Fuel:	Natural Gas
Oven Rated Capacity	12 mmBTU/hr
Process Rate	16,000 lb/hr
Construction Commenced:	1993

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 50:035, Permits

**1.    Operating Limitations:**

Refer to Section D

**2.    Emission Limitations:**

Refer to Section D

**3.    Testing Requirements:**

None

**4.    Monitoring Requirements:**

The permittee shall monitor amounts of all dough produced. The permittee shall calculate and record the monthly VOC emissions. The VOC emissions from the operation of the oven shall be determined bases on emission factors derived from the equation given in “Alternate Control Technology Document for Bakery Oven Emissions – Appendix E, Rule 1153 LA SCAQMD” (EPA 453/R-92-017, December 1992).

For  $Y_t = < 1.0$ , use

$$\text{Emissions} = (\text{Dough Tons}) \times ((0.8488 \times (\% \text{Yeast}) \times (\text{Hrs Ferment})) \times (\text{Hours/Day})).$$

Where,

Emissions are in LBS./DAY VOC.

% Yeast = Initial baker’s percent of yeast to the nearest tenth of a percent

Hrs Ferment = Total yeast action time in hours to the nearest tenth of an hour

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

The permittee shall keep monthly records of dough produced. Total actual emissions for VOC's shall be calculated each month (tons per month) based upon the amount of dough produced at the facility during the month. The permittee shall also keep records of twelve (12) months rolling total for VOC emissions. These records shall be made available for inspection upon request by any duly authorized representative of the Division of Air Quality.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit:** 10 (9701 & 9702) HOT OIL ENROBER # 1

**Description:**

N/A

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, source associated with a process operation with respect to particulates.

**1. Operating Limitations:**

Maximum feed rate shall not exceed 6,111 lbs/hr.

**2. Emission Limitations:**

a. Pursuant to Regulation 401 KAR 59:010 particulate emissions shall not exceed 7.17lbs/hr.

b. Pursuant to Regulation 401 KAR 59:010 visible emissions shall not exceed 20 percent opacity.

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

None

**5. Recordkeeping Requirements:**

N/A

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**7. Control Equipment Operating Conditions:**

None



**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit:** 11 (9801 & 9802) HOT OIL ENROBER # 2 AND OVEN

**Description:**

N/A

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, source associated with a process operation with respect to particulates.

**1. Operating Limitations:**

Maximum feed rate shall not exceed 10,072 lbs/hr.

**2. Emission Limitations:**

a. Pursuant to Regulation 401 KAR 59:010 particulate emissions shall not exceed 9.79 lbs/hr.

b. Pursuant to Regulation 401 KAR 59:010 visible emissions shall not exceed 20 percent opacity.

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

None

**5. Recordkeeping Requirements:**

N/A

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

**7. Control Equipment Operating Conditions:**

None

**SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit: 12 (9803) NATURAL GAS FIRED INDIRECT HEAT EXCHANGER**

**Description:**

Primary Fuel:	Natural Gas
Maximum Continuous Rating	4 mmBTU/hr
Construction Commenced:	1998

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New Indirect Heat Exchangers is applicable to an emission unit with a capacity less than 250 mmBTU/hr and commenced on or after April 9, 1972.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:015 Section 4(1), particulate emissions shall not exceed 0.37 lb/mmBTU, based on three hour average.
- b. Pursuant to Regulation 401 KAR 59:015, visible emissions shall not exceed 20 percent opacity.
- c. Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emission shall not exceed 1.47 lb/mmBTU, based on a twenty-four-hour average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually or more frequently if requested by the Division.

**4. Monitoring Requirements:**

Particulate, sulfur dioxide, and visible emissions as measured by methods referenced in State Regulation 401 KAR 50:015, Documents incorporated by reference, Section 1, shall not exceed the respective limitations specified herein.

**5. Recordkeeping Requirements:**

The permittee shall record and maintain records of the amount of fuel combusted during each day.

**6. Reporting Requirements:**

See Section C, General Conditions C.1, C.2, and F.3.

## **SECTION C - GENERAL CONDITIONS**

### **A. Administrative Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is grounds for an enforcement action including but not limited to the termination, revocation and re-issuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035 Section 12]
3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035 Section 7(3)(k)]
4. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, re-issuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [401 KAR 50:035 Section 7(3)(f)]
5. The permit does not convey property rights or exclusive privileges. [401 KAR 50:035 Section 7 (3)(g)]
6. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. [401 KAR 50:035 Section 7(3)(h)]
7. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035 Section 8(3)(a)]
8. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035 Section 8(3)(b)]
9. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 Section 7(2)(b)5]
10. All previously issued permits to this source at this location are hereby null and void.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

### **B. Recordkeeping Requirements**

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035 Section 7(1)(d)2 and 401 KAR 50:035 Section 7(2)(c)]
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.

### **C. Reporting Requirements**

1. a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Ashland Regional Office concerning startups, shutdowns, or malfunctions as follows:
  - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above) to the Division for Air Quality's Ashland Regional Office.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

2. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. [401 KAR 50:035, Section 7(2)(b)3e and 401 KAR Section 7(3)(j)]
3. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the division's Ashland Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation. The reports are due within 30 days after the end of each six-month reporting period that commences on the initial issuance date of this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

### **D. Inspections**

1. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

### **D. Inspections (Continued)**

- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
  - i. During all hours of operation at the source,
  - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
  - iii. During an emergency.

### **E. Emergencies/Enforcement Provisions**

- 1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [401 KAR 50:035 Section 7(3)(e)].
- 2. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 9, an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- 3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
- 4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 50:035 Section 9(3)].

### **F. Compliance**

- 1. Permit Shield - Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of the issuance of this permit.

## SECTION C - GENERAL CONDITIONS (CONTINUED)

2. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non-routine maintenance performed on each control device.
  - c. A log of the monthly raw material consumption and monthly production rates shall be kept available at the facility. Compliance with the emission limits may be Demonstrated by computer program (spread sheets), calculations or performance tests as maybe specified by the Division.
3. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Ashland Regional Office in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Ashland Regional Office  
P.O. Box 1507  
Ashland, KY 41105

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

## **SECTION D – SOURCE EMISSIONS LIMITATIONS AND TESTING REQUIREMENTS**

1. Volatile organic compounds (VOC(s)) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
2. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
3. In accordance with Regulation 401 KAR 50:035, Section 1(9) and to preclude Regulation 401 KAR 51:052, source wide emissions of volatile organic compounds (VOC(s)) shall not exceed 100 Tons/year on a twelve-month rolling average.